

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WALTER CORNELIUS LEWIS

PLAINTIFF

V.

NO. 4:16-CV-100-DMB-DAS

COMMISSIONER MARSHAL FISHER, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 15, 2017, following a *Spears* hearing, United States Magistrate Judge David A. Sanders issued a Report and Recommendation recommending that (1) Commissioner Marshall Fisher be dismissed as a defendant in this action due to the absence of his personal involvement in the wrongdoing alleged by Lewis, and (2) the claims against Officers Page, Strickland, Marshall, and the two unnamed officers for excessive force, failure to protect, and denial of adequate medical care proceed. Doc. #21 at 3. The Report and Recommendation warned that failure to file written objections within fourteen days would limit review of the Report and Recommendation to plain error. *Id.* at 3–4.

Lewis acknowledged receipt of the Report and Recommendation on August 18, 2017. Doc. #23. To date, no objections to the Report and Recommendation have been filed. Accordingly, this Court’s review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App’x 327, 331 (5th Cir. 2014) (“When there has been no objection to a report and recommendation, review is limited to plain error.”)).

The Court has reviewed the Report and Recommendation and found no plain error. Accordingly:

1. The Report and Recommendation [21] is **ADOPTED** as the order of the Court;

2. Lewis' claims against Marshall Fisher are **DISMISSED**; and
3. Lewis' claims against the remaining defendants shall **PROCEED**.

SO ORDERED, this 28th day of December, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE